

Advocacy Update



Global Alliance Against Traffic in Women

Number 6. 2009

As there was no advocacy update last month this is a bumper edition, reviewing advocacy from July and August and looking forward to September. This seventh edition of the Advocacy Update of the year contains:

Human Rights Council focussed events:

- Meeting with the High Commissioner for Human Rights;
- Coordination Workshop between the Special Rapporteur on Sale of children, the Special Rapporteur on Trafficking, and the Special Rapporteur on Contemporary forms of slavery;
- OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking consultation.

Human Trafficking Protocol updates:

- Membership involvement in 'Stop, Look, Listen' advocacy for a review mechanism to the Human Trafficking Protocol.

Regional Advocacy

- ASEAN Inter-governmental commission on human rights announced;
- The Asia Pacific Forum of National Human Rights Institutions and launch of GAATW publication - *Rights in Practice: A report on National Human Rights Institutions work to evaluate and monitor state anti-trafficking responses in the ASEAN area.*

Please let us know if you have thoughts, questions or comments arising from this text at caroline@gaatw.org . We look forward to hearing from you!

Meeting with the High Commissioner for Human Rights



On 23rd July, GAATW-IS Advocacy Officer, Caroline Hames and Niveditda Prasad of GAATW-MO Ban Ying met with The High Commissioner for Human Rights, Ms Navanethem Pillay at her office in Geneva, Switzerland. We requested this meeting in order to discuss the following four areas of work:

- The protection of the human rights of migrants from the negative impact of anti-trafficking initiatives;
- Support for the adoption and implementation of the OHCHR's Recommended Principles and Guidelines on Human Rights and Human Trafficking from her office;
- Support and engagement in the review mechanism discussions at the United Nations Convention against Transnational Organised Crime (UNTOC); and
- Potential areas for collaboration.

Ms Prasad led the meeting, providing a number of case studies from GAATW member organisations to illustrate the importance that a human rights approach is seen as central in anti-trafficking measures and highlighting the failure by states to observe rights including: the right to health; the right to assistance regardless of cooperation; the impact of increasingly repressive border security and migration control measures; restrictions on freedom of movement; the impact of repressive and misguided so called anti-trafficking prevention strategies; detentions; special cases of exploitation, trafficking and debt bondage. We also offered Ms Pillay a copy of the GAATW publication '*Collateral Damage*' and she expressed an interest in the documentation of anti-trafficking measures which are having a negative human rights impact on those they are supposed to help, she asked a number of questions about the publication and the links between migration, labour

exploitation and trafficking.

In addition we raised the need for a further push for states to implement the Recommended Principles and Guidelines on Human Rights and Human Trafficking (Recommended Principles and Guidelines) from her office. She agreed to raise these at high-level meetings such as those she has instigated in reference to migration, a theme she has prioritised for the next year. Furthermore we noted the need to bring human rights standards such as those outlined in the Recommended Principles and Guidelines to crime control fora, over which the United Nations Office for Drugs and Crime (UNODC) presides.

We raised the ongoing discussions regarding a review mechanism to the Human Trafficking Protocol and need for Ms Pillay's office to interact with these discussions in order that a rights based approach is raised in a meaningful manner. Whilst she gave no firm commitment of her intention to engage with these discussions she said she would consider it and aimed to raise it at her next meeting with the UNODC.

Finally concerning collaboration with GAATW Ms Pillay seemed fairly open and hoped to see us at the OHCHR planned seminar on a rights based approach to human trafficking in February 2010.

OHCHR coordination workshop on the roles of the SRs on the Sale of children, Trafficking and on Contemporary forms of Slavery

This coordination workshop took place from 24-26 June in Geneva, Switzerland and consisted of closed sessions between the three Special Rapporteurs (SRs) and open plenary sessions with stakeholders, including UN agencies and NGOs. The main objectives of the workshop were to:

- Map out the areas and scope of work of each mandate;
- Identify commonalities and areas of duplication amongst the three mandates
- Improve processes for working across the three mandates;
- Develop practical tools to collaborate with partners: UN agencies, NGOs, civil society organizations, treaty bodies, and national human rights institutions.

The current mandate holders were all appointed for their first term in 2008 and all of them share the desire to strengthen holistic and concerted approaches to their work (including methods of work, possible joint activities, and practical tools of collaboration with partners) in order to ensure the most effective impact of their work for the promotion and protection of human rights.

GAATW recommended that:

- The SR on Trafficking look at the human rights impact of crime control approaches to trafficking, including practices such as conditional assistance;
- The SR on Slavery focus on 'new' forced labour practices that are adding to old bonded labour or slave labour practices or in some cases emerging as a result of the country's development initiatives;
- The SR on Children look at young adults as a specific sub-group among children in order to see situations from their perspective
- All SRs keep the issue of adult women and children separate and ensure that they do not infantilize women.
- Attention also be paid to coordination with other mandates including the SRs on Migrants, Violence against Women and Racism as well as with Core Human Rights treaty bodies.

Some of the joint recommendations by NGOs to the SRs on common work, methodologies and issues included, to:

- Undertake joint country visits;
- Present common thematic reports;
- Look at the regional bodies (CoE, ECOWAS, ASEAN etc) and not just at the national level;
- Strengthen the follow-up on government's implementation of recommendations after country visits;
- Look at the economic impact of HRs violations to raise the profile of the 3 mandates;
- Strengthen/raise awareness on the possibility of victims of HRs violations presenting allegations;
- Develop mechanisms to "return the information" to NGOs; not just "use" their information (i.e. debriefing meetings after visits);
- Institutionalize a yearly meeting between the 3 SRs and other relevant stakeholders;
- Develop common check-lists for interviews.

- Strengthen links with other relevant SRs (Rights of Migrants, Racism, VAW) and treaty bodies (CEDAW, CRC);
- Promote NGOs participation in the preparation of questionnaires before country visits;
- Share their list of country visits in advance so NGOs can contact partners in these countries;

The main agreement following the meeting between the SRs and stakeholders was that a list serve be created, comprising all those who participated and that a website containing relevant information (including: the SRs' mandates, calendar of foreseen country visits, mapping of key activities and priority focus areas, relevant events, treaty bodies, and the UPR process etc).

OHCHR Recommended Principles and Guidelines on Human Trafficking consultation

A resolution submitted by the Filipino and German delegations to the Human Rights Council in its June session (resolution 11/3 on Trafficking) requested the OHCHR to solicit views on the Recommended Principles and Guidelines and to gather experiences and emerging good practice in their application. The resolution also decided the result of this consultation would be presented at a seminar on rights based approaches to trafficking in February 2010 - more details to follow...!

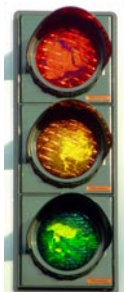
For the purposes of soliciting views on the Recommended Principles and Guidelines, the OHCHR asks all stakeholders:

- a.) Has your organisation used the Recommended Principles and Guidelines on Human Rights and Human Trafficking in developing and implementing anti-trafficking strategies and activities? If so, has your organisation found the application of a human rights-based approach to combating trafficking effective in your anti-trafficking activities?
- b.) In applying the Recommended Principles and Guidelines on Human Rights and Human Trafficking, what are the experiences in emerging good practices which helped improve the measures taken to prevent trafficking and protect and support victims of trafficking? How has your organisation measures success in combating human trafficking from a human rights perspective thus far?
- c.) In applying the Recommended Principles and Guidelines on Human Rights and Human Trafficking what, if any are the challenges your organisation has experienced in achieving results to combat human trafficking?

The full text of the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking can be found here: <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

Any responses to these questions should not exceed 3 pages and must be sent to Mariana Katzarova, Adviser on Human Trafficking, the Office of the High Commissioner for Human Rights: mkatzarova@ohchr.org / fax: +41 022 928 9010 no later than the 16 October 2009.

Membership involvement in 'Stop, Look and Listen' advocacy for a monitoring mechanism to the Human Trafficking Protocol



In July we launched our URGENT advocacy action for governments to support a monitoring mechanism to the Human Trafficking Protocol (the Palermo Protocol). As you are aware, from previous Advocacy Updates, discussion on a review of the United Nations Convention against Transnational Organised Crime (UNTOC) and its Protocols (including the Human Trafficking Protocol) is underway. A State working group on this issue was established in October 2008. This Working Group is meeting between 28-30 September 2009 and will decide whether or not a review mechanism is necessary for UNTOC and if yes, what shape that review mechanism should take.

A review mechanism would offer NGOs the chance to raise the impact of States anti-trafficking measures on trafficked persons at an international level. Through our advocacy action we asked GAATW Members **to contact national governments before mid-September 2009** in order to establish whether or not they support a review mechanism and to tell them how important we think it will be to trafficked persons and all those affected by anti-trafficking measures.

We asked all members to take the following steps for urgent action:

1. Contact government representatives to obtain their position on a review mechanism
2. Arrange a meeting to talk to them about supporting a review mechanism

3. Sign the online petition: <http://www.gopetition.com/petitions/stop-look-listen.html> [Eng]
<http://www.gopetition.com/online/29546.html> [Spanish]
4. Promote this petition - encourage others to sign up!

In order to assist GAATW members in joining this action, we sent member organisations five documents providing information about GAATW's position on a review mechanism; an overview explaining what the UN Trafficking Protocol is and what a review mechanism is for those who need some information clarification; and a draft letter to governments for those members who are able to meet with their government representatives. Should you require any of these documents or any further information on conducting advocacy at the national level on this please contact Caroline Hames, GAATW International Advocacy Officer: caroline@gaatw.org

Regional advocacy



ASEAN Inter-Governmental Commission on Human Rights: on 21 July 2009 the Terms of Reference for the new ASEAN human rights body - now entitled the Inter-governmental Commission on Human Rights (AICHR) - were adopted by ASEAN foreign ministers.

The AICHR's principle purposes are given as follows:
"1.1 To promote and protect human rights and fundamental freedoms of the peoples of ASEAN;

- 1.2 To uphold the right of the peoples of ASEAN to live in peace, dignity and prosperity;
- 1.3 To contribute to the realisation of the purposes of ASEAN as set out in the ASEAN Charter [...]
- 1.4 To promote human rights within the regional context [...]
- 1.5 To enhance regional cooperation with a view to complementing national and international efforts on the promotion and protection of human rights; and
- 1.6 To uphold international human rights standards"

However in practice, in the ToRs it is clearly stated that the AICHR must comply with the principles of non-interference and direct engagement in the protection of ASEAN peoples' rights is not included in the mandate and functions of the body. ASEAN leaders have said that the protection mandate (including country visits, peer reviews and investigations) will be included in a planned 'political declaration' to be drafted by Oct 2009 outlining areas for possible review in the next 5 years.

Immediate steps which are required in this regard are as follows:

1. Provide input to the Political Declaration via Yuyun at Forum Asia (yuyun@forum-asia.org)
2. Engage and influence the national processes of the selection and appointment of the commissioners for the AICHR
3. Engage in the process of developing the rules and procedures of the TOR.

If you wish to find out means of engaging in these processes or wish to join the mailing list for updates on this issue please contact caroline@gaatw.org



Asia Pacific Forum (APF) of National Human Rights Institutions (NHRIs), 3-6 August 2009

The APF is a body which brings together the 14 NHRIs in the Asia-Pacific and Middle Eastern area to discuss common goals and assistance requirements. This year's APF was hosted by Jordan's National Centre for Human Rights and took place in Amman. GAATW-IS and MOs attended, first participating in the NGO forum then the formal meeting of the APF. At this meeting we launched our new report *Rights in Practice: A report on National Human Rights Institutions work to evaluate and monitor state anti-trafficking responses in the ASEAN area* - the full report can be accessed on the GAATW website (www.gaatw.org)

The main aim of our involvement in this event was to advocate for NHRIs in both origin and destination countries to work together to address trafficking from a human rights perspective. In our report we analysed the work of ASEAN NHRIs in this regard and made recommendations, including: gaining further expertise in the areas of migration and labour exploitation and their links to trafficking in persons; partnering with experts in the field; formalising processes for monitoring and responding to government anti-trafficking measures; and engaging in cases concerning abuses of

trafficked persons and migrant rights.

At the meeting we had a number of opportunities to raise our report recommendations and NHRIs were generally receptive. The APF decided to establish a working group (WG) on migration which will also take into consideration trafficking and invited GAATW and other CSOs to attend, the first meeting of the WG will take place on 1-2 December 2009 in Indonesia. Furthermore bilateral agreements were entered into between the Jordanian and Filipino and Jordanian and Indonesian NHRIs stating their intention to jointly address trafficking.

The APF also considered the topics: Corruption and Human Rights and Human Rights and Religion, full details of the APF including the outcome document are available on the APF website (www.asiapacificforum.net)